

**REMARKS**

This paper is filed in response to the Office Action mailed June 21, 2007.

Claims 24-46, 48-62, 64-66, 74-78, and 84-94 are pending in this application.

Claims 46, 48, 50, 51, 53-59, 61, 62, 85-86, 88-90, and 94 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,643,087 to Marcus et al (“Marcus”) in view of U.S. Patent No. 5,530,455 to Gillick et al (“Gillick”). Claims 24-27, 32-34, 36-45, 49, 60, 84, 87, 92, and 93 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillick in view of Gillick and further in view of U.S. Patent No. 5,589,828 to Armstrong (“Armstrong”).

The Examiner has indicated that claims 64-66 and 74-78 are allowable, and that claims 28-31, 35, 52, and 91 would be allowable if re-written as independent claims.

Applicant appreciates the allowance of these claims. Applicant appreciates the allowance of these claims.

Applicant has amended claims 24, 46, 58, 74, 78, and 86. No new matter is added by these amendments, and support may be found in the specification and claims as originally filed.

Applicant traverses each of the examiners rejections, and reconsideration and allowance of all claims is respectfully requested in light of the amendments above and the remarks below.

1. § 103(a) – Marcus in view of Gillick – Claims 46, 48, 50-51, 53-59, 61-62, 85-86, 88-90, and 94

Applicant respectfully traverses the Examiner’s rejection of claims 46, 48, 50-51, 53-59, 61-62, 85-86, 88-90, and 94 under 35 U.S.C. § 103(a) as being unpatentable over Marcus in view of Gillick.

To sustain a rejection under 35 U.S.C. § 103(a), there must be a motivation to combine the cited references.

Because one of ordinary skill in the art would not combine Marcus with Gillick to create the invention of amended claim 46, claim 46 is patentable over Marcus in view of Gillick. Marcus does not disclose an interface device having “a handheld support

housing configured to be held by one hand of a user" and "wherein said interface control device is configured to be operated by said one hand of a user." Marcus discloses a controller configured to be used by two hands. For example, Figure 2A shows that the device is supported by the user's right hand, while the joystick is operated by the user's left hand. Marcus refers to Figure 2A to show that the device may be held in one hand, but must be operated with two: "[t]he input device 10 includes a housing 20 which is sized and configured to be grasped comfortable with at least one hand of a user as shown in FIG 2A." Col. 3, lines 44-46. Thus, while one hand may be used to support the device, an additional hand is needed to operate it. The Office Action cites to column 6, lines 8-12 and 22-23 to show that the device is held by one hand. However, these portions do not disclose that the device is configured to be held and operated by one hand of the user. Column 6, lines 8-12 simply state that buttons could be arranged under multiple digits of one or both hands. Further, lines 22-23 state that the housing has a size sufficiently small to be supported by one hand of an operator, however, this does not teach that the device is configured to be held and operated by a one hand of the user.

While Gillick discloses a mouse, which is configured to be operated by one hand, one of ordinary skill in the art would not combine Marcus with Gillick because it would fundamentally alter the Marcus device. Marcus discloses a device to be held in two hands and manipulated by using a joystick, while Gillick discloses a device meant to be supported by a flat surface, and manipulated by moving the device itself in two-dimensions. In other words, the hand supporting the Marcus device would be replaced with the supporting surface that allows Gillick to be operated with only one hand. This is contrary to the design of Marcus device, which is a device to be held by in the user's hands. Thus, one of ordinary skill in the art would not seek to combine Marcus with Gillick. Therefore, claim 46 is patentable over the combined references.

Similar to claim 46, claim 58 recites "interface control device configured to be held by one hand of a user ... wherein said interface control device is configured to be operated by said one hand of a user." Claim 58 is patentable over Marcus in view of Gillick for at least the same reason.

Similar to claim 46 and 58, claim 86 recites "a housing configured to be held in one hand such that no additional support is needed to operate the device ... wherein said

interface control device is configured to be operated by said one hand of a user.” Claim 86 is patentable over Marcus in view of Gillick for at least the same reason.

Applicant respectfully requests the Examiner withdraw the rejections of claims 46, 58, and 86. Because claims 48, 50-51, 53-57, 59, 61-62, 85, 88-90, and 94 each depend from and further limit one of claims 46, 58, or 86, claims 48, 50-51, 53-57, 59, 61-62, 85, 88-90, and 94 are patentable over Marcus in view of Gillick for at least the same reasons. Applicant respectfully requests the Examiner withdraw the rejection of claims 48, 50-51, 53-57, 59, 61-62, 85, 88-90, and 94.

II. § 103(a) – Marcus in view of Gillick and Armstrong – Claims 24-27, 32-34, 36-45, 49, 60, 84, 87, and 92-93

Applicant respectfully traverses the Examiner’s rejection of claims 24-27, 32-34, 36-45, 49, 60, 84, 87, and 92-93 under 35 U.S.C. § 103(a) as being unpatentable over Marcus in view of Gillick and further in view of Armstrong.

To sustain a rejection under 35 U.S.C. § 103(a), there must be a motivation to combine the cited references.

Because one of ordinary skill in the art would not combine Marcus with Gillick and Armstrong to create the invention of amended claim 24, claim 24 is patentable over Marcus in view of Gillick. As discussed above, one of ordinary skill in the art would not be motivated to combine Marcus and Gillick. Further, one would not be motivated to combine Marcus and Gillick with Armstrong. Armstrong teaches a device that, like a mouse, is configured to rest on a supporting surface. Thus, for the same reasons one of ordinary skill in the art would not combine Marcus with Gillick, one would not combine Marcus with Gillick and further with Armstrong. Thus, claim 24 is patentable over the cited references. Thus, Applicant respectfully requests the Examiner withdraw the rejection of claim 24.

Similar to claim 24, claim 46, from which claim 49 depends, recites ““a handheld support housing configured to be held by one hand of a user … wherein said interface control device is configured to be operated by said one hand of a user.” Claim 49 is patentable over Marcus in view of Gillick and further in view of Armstrong for at least

the same reasons as claim 24. Applicant respectfully requests the examiner withdraw the rejection of claim 49.

Similar to claim 24, claim 58, from which claim 60 depends, recites "interface control device configured to be held by one hand of a user ... wherein said interface control device is configured to be operated by said one hand of a user." Claim 60 is patentable over Marcus in view of Gillick and further in view of Armstrong for at least the same reasons as claim 24. Applicant respectfully requests the examiner withdraw the rejection of claim 60.

Similar to claim 24, claim 86, from which claims 87 and 92-93 depend, recites "a housing configured to be held in one hand such that no additional support is needed to operate the device ... wherein said interface control device is configured to be operated by said one hand of a user." Claims 87 and 92-93 are patentable over Marcus in view of Gillick and further in view of Armstrong for at least the same reasons as claim 24. Applicant respectfully requests the examiner withdraw the rejection of claim 87 and 92-93.

Claims 25-27, 32-34, 46-45, and 84 depend from and further limit claim 24. Therefore, claims 25-27, 32-34, 46-45, and 84 are patentable over Marcus in view of Gillick and further in view of Armstrong. Applicant respectfully requests the Examiner withdraw the rejection of claims 25-27, 32-34, 46-45, and 84.

**CONCLUSION**

Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,

Date: 9/21/07



Christopher W. Bosken  
Reg. No. 58,887

KILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
(336) 607-7474 (voice)  
(336) 734-2629 (fax)